

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION) MDL Docket No. 2327
HONORABLE JUDGE JOSEPH R. GOODWIN

PRETRIAL ORDER # 321
(ORDER RE: QUALIFIED SETTLEMENT FUND –
THE NEMEROFF LAW FIRM PC)

Pending is an Unopposed Motion for Approval of Qualified Settlement Fund, filed October 18, 2018. [ECF No. 6881]. The Nemeroff Law Firm PC (“Nemeroff”), as counsel for certain plaintiffs in MDL No. 2327, has moved the Court for entry of an Order to aid in the efficient processing and administration of a Confidential Settlement Agreement (the “Settlement Agreement”) between Defendant Ethicon, Inc. and certain related companies (“Ethicon”) and Nemeroff to resolve the claims of certain claimants against Ethicon relating to the implant of Ethicon Pelvic Mesh Products (as defined in the Settlement Agreement). The Court, having reviewed the Motion, and finding good and sufficient cause, FINDS and ORDERS the following:

1. The Unopposed Motion is **GRANTED**.
2. In order to assist in the administration of the settlement of claims brought by the clients of Nemeroff, the NEMEROFF-ETHICON Qualified Settlement Fund shall be established as a Qualified Settlement Fund within the meaning of Treasury Regulation Section 1.468B-1, pursuant to this court's continuing subject matter jurisdiction over the underlying matter and

consistent with Treas. Reg. Section 1.468B-1(c)(1). All settlements reached by and between Ethicon and Plaintiffs in state or federal litigation or Claimants who are represented by Nemeroft pursuant to the Master Settlement Agreement dated May 22, 2018, shall be paid into the NEMEROFF-ETHICON Qualified Settlement Fund.

3. Providio MediSolutions is appointed as Fund Administrator and shall serve pursuant to the terms, conditions and restrictions of the Unopposed Motion, the Master Settlement Agreement, and the Escrow Agreement. Fund Administrator are given the authority to conduct any and all activities necessary to administer this Fund as described in the Motion.
4. The NEMEROFF-ETHICON Qualified Settlement Fund, which includes all principal and interest earned thereon, shall be deposited in an account held in custody at J.P. Morgan Chase Bank, N.A. (“JPM Chase”), and JPM Chase shall serve as the Escrow Agent pursuant to the terms of the Parties’ Escrow Agreement with JPM Chase. Investment related decisions shall be made pursuant to the terms and conditions set forth in the parties Master Settlement Agreement and Escrow Agreement, and disbursements from the NEMEROFF-ETHICON Qualified Settlement Fund shall be made pursuant to the terms of the Master Settlement Agreement and Escrow Agreement, which include provisions for payments into the MDL No. 2327 Fund.

5. The Fund Administrator is authorized to effect qualified assignments of any resulting structured settlement liability within the meaning of Section 130(c) of the Internal Revenue Code to the qualified assignee.
6. The Fund Administrator is authorized, upon final distribution of all monies paid into the Fund, to take appropriate steps to wind down the fund, and thereafter the Fund Administrator is discharged from any further responsibility with respect to the Fund.

The court DIRECTS the Clerk to file a copy of this order in 2:12-md-02327 and it shall apply to each member related case. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

Enter: November 1, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE